



## Davis Wright Tremaine LLP

ANCHORAGE BELLEVUE LOS ANGELES NEW YORK PORTLAND SAN FRANCISCO SEATTLE SHANGHAI WASHINGTON, D.C.

SUITE 200  
1919 PENNSYLVANIA AVE NW  
WASHINGTON, DC 20006

TEL (202) 973-4200  
FAX (202) 973-4499  
www.dwt.com

April 11, 2007

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

***Re: 911 Compliance Status Report – WC Docket No 05-196***

Dear Ms. Dortch:

Eagle Communications, Inc. (“Eagle”), through undersigned counsel, submits this letter in response to the March 12, 2007 letter from Ms. Kathryn S. Berthot, Chief of the Spectrum Enforcement Division of the Enforcement Bureau. In her letter, Ms. Berthot requests a report detailing the current status of Eagle’s compliance with the rules adopted by the Commission in its *VoIP 911 Order*.<sup>1</sup> Eagle’s responses are below.

By way of background, Eagle is a small cable television operator that, among other services, offers interconnected VoIP service to approximately 665 customers in rural parts of Kansas. Eagle purchases managed VoIP services on a wholesale basis from UniPoint Enhanced Services, d/b/a PointOne, in order to provide VoIP service to Eagle’s end-user subscribers.

---

<sup>1</sup> *IP-Enabled Services, E911 Requirements for IP-Enabled Service Providers*, First Report and Order and Notice of Proposed Rulemaking, 20 FCC Rcd 10245 (2005) (VoIP 911 Order) *aff’d. sub. Nom. Nuvio Corp. v. FCC*, No. 05-1248 (D.C. Cir. Dec. 15, 2006); *see also* 47 C.F.R. §§ 9.1-9.5.

- Provision of Compliant 911 Service. A quantification, on a percentage basis of the number of subscribers to whom you are able to provide 911 service in full compliance with the rules established in the *VoIP 911 Order*.

As explained further below, due to the current unavailability of selective router connectivity in the exchanges that Eagle serves, none of Eagle's VoIP subscribers have 911 service that fully complies with the rules set forth in the *VoIP 911 Order*. However, 100% of Eagle's customers have access to basic 911 service through the i9-1-1 National Emergency Answering Center (NEAC) developed by HBF Group, Inc. ("HBF"), PointOne's primary 911 provider.

- 911 Coverage. To the extent you have not achieved full 911 compliance with the requirements of the VoIP 911 Order in all areas of the country in which you are providing interconnected VoIP service to subscribers: (i) list each PSAP serving such areas of the country, and (ii) describe in detail your plans for coming into full compliance with the requirements of the order, including your anticipated timeframe for such compliance.

(i) Eagle, through PointOne, is currently providing service in the following non-compliant areas: Ellis County, KS; Russell County, KS; and Trego County, KS. These three counties are served by the following PSAPs, respectively: Ellis County Sheriffs Office; Russell Police Department; and Trego County Law Enforcement Center.

Eagle notes that, at the present time, the PSAP serving Trego County, KS is not E911 compliant. Because this PSAP is not E911 compliant, Eagle's VoIP customers in the Trego County service area are receiving the same level of 911 service as those customers served by the incumbent local exchange carrier (ILEC).

(ii) PointOne, through HBF, is currently in the process of negotiating selective router access in all three counties. Selective router interconnection is not available at this time. Because selective router interconnection is not available in these remote areas at this time, Eagle cannot provide a meaningful estimate of the timeframe in which Eagle will become fully compliant.

- 911 Routing Information/Connectivity to Wireline E911 Network. Provide a statement as to whether you are transmitting, as specified in Paragraph 42 of the VoIP 911 Order, "all calls to the appropriate [Public Safety Answering Point (PSAP)], designated statewide default answering point, or appropriate local emergency authority utilizing the Selective Router, the trunk line(s) between the Selective Router and the PSAP, and such other elements of the Wireline E911 Network as are necessary in those areas where Selective Routers are utilized."<sup>2</sup> If

---

<sup>2</sup> *VoIP 911 Order*, 20 FCC Rcd at 10269-70, ¶ 42.

you are not transmitting all 911 calls to the correct answering point in areas where Selective Routers are utilized, this statement should include (i) a quantification, on a percentage basis, of the number of subscribers whose 911 calls are not currently being routed to the appropriate PSAP via the dedicated Wireline E911 Network; and (ii) a detailed explanation of why not.

(i) There is currently no Emergency Service Gateway with interconnection to the selective router in any of the three Kansas counties served by Eagle. As discussed above, PointOne, through HBF, is in the process of negotiating selective router access in each of these counties. However, calls from Eagle customers are routed to the correct PSAP through the NEAC, along with correct location and call-back information.

(ii) Direct trunking to the selective routers for the areas served by Eagle, through PointOne, is not available at this time. To date, no Emergency Service Gateway has deployed in Ellis, Russell or Trego Counties. Instead, 100% of Eagle's customers have basic 911 service through the NEAC. When an Eagle customer places a 9-1-1 call, it is routed to the NEAC where the customer's information (number, location and appropriate PSAP) is automatically accessed and retrieved from a database and then transmitted to the PSAP. Calls are also answered by a live operator who verifies the caller's location and then ensures the call is transmitted to the correct PSAP while staying on the phone with the caller to confirm that help is received. The 9-1-1 NEACs are staffed 24-hours a day, seven days a week, and support is available in multiple languages. All calls from subscribers will go directly to a live safety response center operator. Even if subscribers have not updated their current location information, the NEAC operator will verify the person's location.

- New VoIP Customers and/or Marketing of VoIP Service in Non-Compliant Areas. State whether you have stopped accepting new customers and marketing your VoIP service in non-compliant areas, and, if so, the date on which you stopped. If you have continued to accept new customers for its service and/or market your VoIP service in areas where you are non-compliant, explain how these actions are consistent with the Commission's rules. Further, indicate the number of overall subscribers currently served in each of your non-compliant areas, and the number of those subscribers that received their initial service after November 28,2005.

Eagle has not engaged in direct customer solicitation or any other form of active advertising for VoIP service since the issuance of the Commission's Public Notice. In fact, Eagle's VoIP service is only available to a select number of Eagle's cable subscribers.

Eagle's VoIP subscriber base increased from 537 customers in November 2005 to 665 customers in March 2007, with the vast majority of new customers being added during

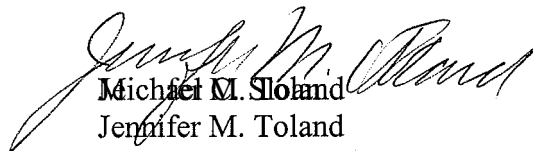
April 11, 2007  
Page 4

December 2005 and January 2006. These customers were added primarily in response to marketing efforts that Eagle ceased in November 2005. Only a handful of new customers were added during the last 15 months. Eagle reiterates that no marketing of its VoIP service has been done since November 2005 and is unaware of any violation of the Commission's rules.

If you have any remaining questions regarding Eagle's compliance with the Commission's rules adopted in the *VoIP 911 Order*, please do not hesitate to contact the undersigned.

Very truly yours,

Davis Wright Tremain LLP



Michael M. Sloand  
Jennifer M. Toland